

In the Court of the Principal Sessions Judge, Sivagangai
Present: Tmt.M.Sumathi Sai Priya, B.Sc., M.A., M.L., P.G.D.P.M., & I.R.,
Principal Sessions Judge, Sivagangai.

Saturday, the 15th day of October 2022
(Thiruvalluvar Aandu, 2053, Subakiruthu Varudam,
Purattasi Thingal 28th Day)

Criminal Miscellaneous Petition No.4520/2022
CNR No.TNSV010052362022

K.Gajendran, (Age 49), S/o.Kumarasamy,
150/99, 1st street, Lake View Garden,
K.K.Nagar, Madurai - 625 020.

...Deponent/Sole Accused

/Vs/

State through the Inspector of Police,
CCD-III, Cyber Crime Police Station, Sivagangai
Cr.No.29/2022

...Complainant

This petition coming on this day for final hearing before me in the presence of Thiru.J.William Christopher, Advocate for the Deponent/Sole Accused and of Thiru.A.Alagarsamy, Public Prosecutor for the state and upon hearing the arguments of both sides under perusing the material records, this court delivered the following;

ORDER

The petition dated:10.10.2022 and 12.10.2022 has been filed u/s. 438 of Cr.P.C. praying to grant anticipatory bail to the petitioner/accused for the offences punishable under sections 420 of IPC and 66, 72 of Information Technology Act.

The respondent police had registered a case against the petitioners in Crime No.29/2022 for the alleged offences under sections 420 of IPC and 66, 72 of Information Technology Act. The alleged date of occurrence was 23.03.2022. The FIR was registered on 14.09.2022.

Heard the learned counsel for the petitioner and learned Public Prosecutor and perused the records.

On perusal of F.I.R, it has been noted that a case has been registered for the offences under sections 420 of IPC and 66, 72 of Information Technology Act., on the allegation that on 23.03.2022 at around 10.00 a.m, the defacto complainant run an IT company in Sivagangai and the petitioner/accused worked his office at the time collect all his information and resources without his knowledge and make deal with his previous clients. Thus, a case has been registered against the petitioner/accused.

The learned counsel for the petitioner/accused contended that the innocent petitioner had not committed any such offence, he has been falsely implicated in this case for statistical purpose and that there is no similar kind of offence pending against the petitioner/accused. He has also contended that if the petitioner/accused is released on bail, he is willing to offer substantial sureties for his appearance before this Court. Hence, pray to enlarge the petitioner on anticipatory bail.

On the other hand, the learned Public Prosecutor has contended that the investigation is at initial stage and if the petitioner is granted bail, he would indulge in similar kind of offence, he would abscond and also he may tamper with the material witnesses, thereby hampering the course of investigation. Therefore, he has raised his strong objection to grant anticipatory bail to the petitioner/accused. Hence, pray to dismiss the petition. However, he would concede that there is no previous case pending against the petitioner/accused.

On considering the rival submissions made on both side and on perusal of case records and other relevant records would show that the petitioner/accused had served in the *defacto* complainant company for only 3 months without getting salary, on demand of the salary, he has been forced to sign the NDA and that there is no previous case pending against the petitioner/accused and the same were conceded by the learned Public Prosecutor. Hence, on considering the above facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner/accused under the following conditions;

- that in the event of surrender before the learned Judicial Magistrate No.I, Sivagangai, on or before 04.11.2022, the petitioner/accused is ordered to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- along with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Sivagangai;
- the petitioner/accused shall appear and sign before the respondent PS, daily at 09.30 a.m., for a period of 15 days, without fail;
- that the petitioner/accused should make himself available for interrogation as and when required by the respondent;
- that the petitioner/accused shall not tamper with evidence or witnesses either during investigation or trial and the petitioner should not abscond either during investigation or trial; and

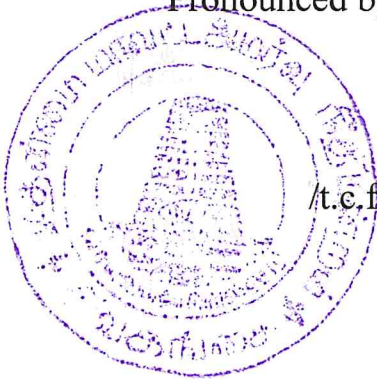
.4.

- furthermore, the petitioner should be available and co-operate for investigation.

If the petitioner/accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

- If any of the conditions is violated / not complied with, it shall be reported to the Judicial Magistrate concerned who may cancel the bail, as if it was granted by him / her, by following the decision of Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala reported as C.D.J. 2005 S.C. 848: A.I.R. 2006 SC 100.

Pronounced by me in Court, this the 15th day of October – 2022.



/t.c.f.b.o./

(S/d).M.Sumathi Sai Priya,
Principal Sessions Judge,
Sivagangai.

A. Venkatesh Kumar
15.10.2022

Sherishtadar,
Principal District Court,
Sivagangai.

[Signature]
15/10/22

To,

1. The Judicial Magistrate No.I, Sivagangai.
2. The Inspector of Police, CCD-III, Cyber Crime Police Station, Sivagangai District.
3. Thiru.J.William Christopher, Advocate for the Deponent/Sole Accused.

D. no. 9746
15/10/22

Principal Sessions Court,
Sivagangai

Cr.M.P.No.4520/2022

Order dated:15.10.2022